

# House Amendment 1250

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1 1 Amend House File 603 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. NEW SECTION. 901.11 DONATIONS ==  
1 5 PROHIBITED.  
1 6 A monetary or property donation to any agency,  
1 7 organization, or political subdivision of the state is  
1 8 prohibited as a part of any dismissal, sentence, or  
1 9 other penalty.  
1 10 Sec. 2. Section 907.13, subsection 2, Code 2005,  
1 11 is amended to read as follows:  
1 12 2. The defendant's plan of community service, the  
1 13 comments of the defendant's probation officer, and the  
1 14 comments of the representative of the judicial  
1 15 district department of correctional services  
1 16 responsible for the unpaid community service program,  
1 17 shall be submitted promptly to the court. The court  
1 18 shall promptly enter an order approving the plan or  
1 19 modifying it. Compliance with the plan of community  
1 20 service as approved or modified by the court shall be  
1 21 a condition of the defendant's probation. The court  
1 22 thereafter may modify the plan at any time upon the  
1 23 defendant's request, upon the request of the judicial  
1 24 district department of correctional services, or upon  
1 25 the court's own motion. ~~As an option for modification~~  
~~1 26 of a plan, the court may allow a defendant to complete~~  
~~1 27 some part or all of the defendant's community service~~  
~~1 28 obligation through the donation of property to a~~  
~~1 29 charitable organization other than a governmental~~  
~~1 30 subdivision. A donation of property to a charitable~~  
~~1 31 organization offered in satisfaction of some part or~~  
~~1 32 all of a community service obligation under this~~  
~~1 33 subsection is not a deductible contribution for the~~  
~~1 34 purposes of federal or state income taxes.~~  
1 35 Sec. 3. Section 910.1, subsection 4, Code 2005, is  
1 36 amended to read as follows:  
1 37 4. "Restitution" means payment of pecuniary  
1 38 damages to a victim in an amount and in the manner  
1 39 provided by the offender's plan of restitution.  
1 40 "Restitution" also includes fines, penalties, and  
1 41 surcharges, ~~the contribution of funds to a local~~  
~~1 42 anticrime organization which provided assistance to~~  
~~1 43 law enforcement in an offender's case, the payment of~~  
1 44 crime victim compensation program reimbursements,  
1 45 payment of restitution to public agencies pursuant to  
1 46 section 321J.2, subsection 9, paragraph "b", court  
1 47 costs including correctional fees approved pursuant to  
1 48 section 356.7, court-appointed attorney fees ordered  
1 49 pursuant to section 815.9, including the expense of a  
1 50 public defender, and the performance of a public  
2 1 service by an offender in an amount set by the court  
2 2 when the offender cannot reasonably pay all or part of  
2 3 the court costs including correctional fees approved  
2 4 pursuant to section 356.7, or court-appointed attorney  
2 5 fees ordered pursuant to section 815.9, including the  
2 6 expense of a public defender.  
2 7 Sec. 4. Section 910.2, Code 2005, is amended to  
2 8 read as follows:  
2 9 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE  
2 10 ORDERED BY SENTENCING COURT.  
2 11 In all criminal cases in which there is a plea of  
2 12 guilty, verdict of guilty, or special verdict upon  
2 13 which a judgment of conviction is rendered, the  
2 14 sentencing court shall order that restitution be made  
2 15 by each offender to the victims of the offender's  
2 16 criminal activities, to the clerk of court for fines,  
2 17 penalties, surcharges, and, to the extent that the  
2 18 offender is reasonably able to pay, for crime victim  
2 19 assistance reimbursement, restitution to public  
2 20 agencies pursuant to section 321J.2, subsection 9,  
2 21 paragraph "b", court costs including correctional fees  
2 22 approved pursuant to section 356.7, or court-appointed  
2 23 attorney fees ordered pursuant to section 815.9,  
2 24 including the expense of a public defender, when

2 25 applicable, or contribution to a local anticrime  
2 26 ~~organization.~~ However, victims shall be paid in full  
2 27 before fines, penalties, ~~and~~ surcharges, crime victim  
2 28 compensation program reimbursement, public agencies,  
2 29 court costs including correctional fees approved  
2 30 pursuant to section 356.7, ~~and~~ court-appointed  
2 31 attorney fees ordered pursuant to section 815.9,  
2 32 including the expenses of a public defender, ~~or~~  
2 33 ~~contributions to a local anticrime organization~~ are  
2 34 paid. In structuring a plan of restitution, the court  
2 35 shall provide for payments in the following order of  
2 36 priority: victim, fines, penalties, and surcharges,  
2 37 crime victim compensation program reimbursement,  
2 38 public agencies, court costs including correctional  
2 39 fees approved pursuant to section 356.7, ~~and~~ court=  
2 40 appointed attorney fees ordered pursuant to section  
2 41 815.9, including the expense of a public defender, ~~and~~  
2 42 ~~contribution to a local anticrime organization.~~  
2 43 When the offender is not reasonably able to pay all  
2 44 or a part of the crime victim compensation program  
2 45 reimbursement, public agency restitution, court costs  
2 46 including correctional fees approved pursuant to  
2 47 section 356.7, ~~or~~ court-appointed attorney fees  
2 48 ordered pursuant to section 815.9, including the  
2 49 expense of a public defender, ~~or contribution to a~~  
2 50 ~~local anticrime organization,~~ the court may require  
3 1 the offender in lieu of that portion of the crime  
3 2 victim compensation program reimbursement, public  
3 3 agency restitution, court costs including correctional  
3 4 fees approved pursuant to section 356.7, ~~or~~ court=  
3 5 appointed attorney fees ordered pursuant to section  
3 6 815.9, including the expense of a public defender, ~~or~~  
3 7 ~~contribution to a local anticrime organization~~ for  
3 8 which the offender is not reasonably able to pay, to  
3 9 perform a needed public service for a governmental  
3 10 agency or for a private nonprofit agency which  
3 11 provides a service to the youth, elderly, or poor of  
3 12 the community. When community service is ordered, the  
3 13 court shall set a specific number of hours of service  
3 14 to be performed by the offender which, for payment of  
3 15 court-appointed attorney fees ordered pursuant to  
3 16 section 815.9, including the expenses of a public  
3 17 defender, shall be approximately equivalent in value  
3 18 to those costs. The judicial district department of  
3 19 correctional services shall provide for the assignment  
3 20 of the offender to a public agency or private  
3 21 nonprofit agency to perform the required service.>  
3 22 #2. Title page, by striking lines 1 and 2 and  
3 23 inserting the following: <An Act prohibiting a  
3 24 donation or contribution to an agency, organization,  
3 25 or political subdivision of the state in a criminal  
3 26 proceeding.>  
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3 30 BOAL of Polk  
3 31 HF 603.701 81  
3 32 jm/gg/2720